

FL-107-INFO Legal Steps for a Divorce (Dissolution)

STEP 1. File Forms

- The **petitioner** (the person who files the first divorce forms with the court) fills out and files at least a *Petition—Marriage* (Form FL-100) and a *Summons* (Form FL-110) and, if there are children in the marriage, Form FL-105.
- The **clerk** will stamp and return copies to the petitioner.
- The forms needed to start a divorce, as well as information about filing fees and fee waivers, are available at “Filing Your Case,” at <http://courts.ca.gov/selfhelp-divorcesteps.htm>.

STEP 2. Serve the Forms

- **Someone 18 or older**—not the petitioner—serves the spouse (called the **respondent**) with all the forms from Step 1 plus a blank *Response—Marriage* (Form FL-120) and files with the court a proof-of-service form, such as *Proof of Service of Summons* (Form FL-115), telling when and how the respondent was served. (To *serve* means “to give in the proper legal way.”) See “Serving Your First Set of Court Forms” at <http://courts.ca.gov/selfhelp-divorcesteps.htm> for more information.
- The **petitioner** must wait 30 days after Step 2 is complete before continuing the divorce.
- The **respondent** has these 30 days to file and serve a *Response*.

STEP 3. Disclose Financial Information

- The **petitioner** must fill out a *Declaration of Disclosure* (Form FL-140), an *Income and Expense Declaration* (Form FL-150), and a *Schedule of Assets and Debts* (Form FL-142) and have them served on his or her spouse.
- If the **respondent** files a *Response*, he or she must also complete and serve the disclosure documents listed in step 3.
- The **petitioner** and the **respondent** each then file a *Declaration Regarding Service* (Form FL-141) with the court saying they did this. If the respondent does not give petitioner these papers, the petitioner can still finish the case without them. Read the information on “Fill Out Your Financial Declaration of Disclosure Forms” at <http://courts.ca.gov/selfhelp-divorcesteps.htm>.

STEP 4. Finish the Divorce Case in One of Four Ways

Respondent does not file a *Response* (called “default”)

No *Response* and NO written agreement:

Petitioner waits 30 days after step 2 is complete and prepares a proposed *Judgment* (Form FL-180), together with all other needed forms. See “True Default Case” at <http://courts.ca.gov/selfhelp-divorcesteps.htm> for more information.

No *Response* WITH agreement:

Petitioner attaches the signed and notarized agreement to the proposed *Judgment* (Form FL-180), together with all other needed forms. See “Default Case with Written Agreement” at <http://courts.ca.gov/selfhelp-divorcesteps.htm> for more information.

Respondent files a *Response*

Response AND agreement:

Either party files *Appearance, Stipulations, and Waivers* (Form FL-130) and the proposed *Judgment* (Form FL-180) with written agreement attached and other needed forms. See “Uncontested Case” at <http://courts.ca.gov/selfhelp-divorcesteps.htm> for more information.

Response and NO agreement:

The court may try to help the parties reach an agreement. Otherwise, parties must go to trial. See “Contested Case” at <http://courts.ca.gov/selfhelp-divorcesteps.htm> for more information.

IMPORTANT NOTICES

- The earliest you can be divorced is six months and one day from the date the respondent (1) was served, (2) filed a *Response—Marriage* (Form FL-120), or (3) filed an *Appearance, Stipulations, and Waivers* (Form FL-130). You must complete step 4 to get your divorce. You are NOT divorced until you receive a *Judgment* signed by the court.
- If you need court orders for child support, custody, parenting time (visitation), spousal support, restraining orders, or other issues before the divorce is final, you can file a *Request for Order* (Form FL-300) asking for temporary orders. See “Request for Order Information” at <http://courts.ca.gov/selfhelp-divorcerequests.htm> for more information.
- You must keep the court and the other party informed of your mailing address. File *Notice of Change of Address* (Form MC-040) to tell the court if you have moved.

Ways to resolve divorce cases out of court

You may prefer to resolve some or all of the issues in your divorce without having the court decide for you. You and your spouse can put your agreement in writing and file it in your divorce case. But your agreement must follow all legal requirements. There are several ways you can get help.

Court Services (free):

- **Family Court Services.** Provide mandatory mediation or child custody recommending counseling to parents who are unable to agree on child custody and parenting issues. They cannot help with financial issues.
- **Family Law Facilitators and Self-Help Centers.** Can provide samples of agreements and other information and, in some cases, help with mediation.
- **Settlement Conferences.** An informal process in which a judge or an experienced lawyer meets with the parties and their lawyers to discuss the case and their positions and suggests a resolution. The parties can either agree to that suggestion or use it to help in further negotiations.

Private services (which you can hire to help you resolve your case):

- **Lawyers.** A professional who can help work out agreements between the parties and represent you at court hearings and trials.
- **Mediators.** A lawyer or counselor who helps the parties communicate to explore options and reach a mutually acceptable resolution.
- **Collaborative Lawyers.** Lawyers who represent each party but do not go to court. They try to reach an agreement. If court is necessary, the parties must hire new lawyers.

For more information about these services, see www.courts.ca.gov/selfhelp-adr.htm.

Where can I get help?

This information sheet gives you only basic information on the divorce and is not legal advice. If you want legal advice, ask a lawyer for help. You may also:

- Contact the family law facilitator or self-help center in your court for information, court forms, and referrals to local legal resources.
- Find a lawyer through your local bar association, the State Bar of California at <http://calbar.ca.gov>, or the State Bar's Lawyer Referral Services at 866-442-2529 (toll-free).
- Hire a private mediator. Contact your local bar association, court Alternative Dispute Resolution (ADR) program, or Family Court Services for a referral.
- Find information on the California Courts Online Self-Help Center website: www.courts.ca.gov/selfhelp.
- Find free and low-cost legal help (if you qualify) at www.lawhelpcalifornia.org.
- Find information at your local law library or public library.

What if there is domestic violence or a restraining order?

If there is domestic violence or a protective or restraining order, talk to a lawyer, counselor, or mediator before making agreements.

For domestic violence help, call the National Domestic Violence Hotline: 800-799-7233; TDD: 800-787-3224; or 211 (if available in your area).

Remember - The earliest you can be divorced is six months after you serve the divorce papers. AND, to be divorced, you MUST have a divorce judgment signed by a Judge. You have to finish Step 4 (see other side) to be divorced.